HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 18818 OF 1994

DATED: 29.1.2007

Between:

M.Prasada Rao son of Nagabhushanam and others

.Petitioners

and

The District Collector, Krishna, Machilipatnam and others

...Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.18818 OF 1994

ORAL ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleader for Land Acquisition.

The petitioners claim to be the owners of agricultural wetlands in different extents, (specified in paragraphs 2 to 5 of the writ petition), in Movva village, Krishna district. A notification under Sec.4(1) of the Land Acquisition Act,1894 (for short "the Act") was issued on 26-05-1994 proposing acquisition of these lands. The 2nd respondent issued a notice dated.18-06-199 calling for their objections under Sec.5-A of the Act. The petitioners claim to have submitted their objections on 07-07-1994 within time. The petitioners were informed as to the holding of an enquiry on 13-07-1994. The petitioners however assert that no such enquiry was held on 13-07-1994 and the 2nd respondent merely treated the enquiry under Sec.5-A of the Act as a formality.

The 2nd respondent has filed a counter-affidavit, which denies and rebuts the allegations in the writ petition. The counter-affidavit states that notices issued under Sec.5-A of the Act were duly published on 22-06-1994 at the office of the Mandal Revenue Officer, Mandal Parishad Office, Sub-registrar's Office, Grampanchayat and Police Station, Movva, as also in the village and that individual notices were also served on the petitioners and others. However, on 13-07-1994 only Sri M.V.B.Kutumba Rao attended

the Sec.5-A enquiry and none of the petitioners were present. They only filed their objections prior to 13-07-1994. Sri M.V.B.Kutumbarao who attended the enquiry had given a statement before the Land Acquisition Officer that he is not agreeable for the acquisition. Consequently all the objections lodged by the petitioners were forwarded to the District Collector, Krishna on 01-08-1994 and the District Collector after due consideration of the objections overruled these objections and approved the draft declaration (under Sec.6 of the Act) on 13-08-1994. This was published on 22-08-1994. It was also published in the local newspapers and in the locality. Thereafter notices under Sec.9 and 10 of the Act were issued and served. The award enquiry was conducted on 19-10-1994. At the award stage, the petitioners have filed this writ petition and obtained an interim stay of dispossession.

There is no rebuttal of these averments by the writ petitioners. As the petitioners failed to attend the enquiry under Sec.5-A of the Act on 13-07-1994 but have merely lodged their objections, there is no error in the conduct of the respondents in considering the objections lodged and disposing of these in accordance with law and then proceeding with the acquisition.

In the aforesaid analysis there is no infirmity in the conduct of the respondents warranting interference. The writ petition is without merits and is accordingly dismissed. No order as to costs

GODA RAGHURAM,J

29th JANUARY,2007
*TSNR